

BOARD OF APPEALS CASE NO. 4853

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BEFORE THE

**APPLICANT: Comcast Cablevision of
Harford County**

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ZONING HEARING EXAMINER

**REQUEST: Modification of Board of
Appeals Case No. 4021 to enlarge an
existing communications building;
3305 James Run Road, Aberdeen**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/12/98 & 8/19/98

HEARING DATE: September 23, 1998

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Record: 8/14/98 & 8/21/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Comcast Cablevision of Harford County, Inc. The Applicant is requesting a modification of Board of Appeals Case No. 4021.

The subject parcel is located at 3305 James Run Road in the Third Election District. The parcel is identified as Parcel 233 in Grid 3F on Tax Map 50. The parcel is owned by Robert and Patricia Smith and contains 7.95 acres, more or less, all of which is zoned Agricultural.

Mr. John Walters appeared and testified that he is the Area Project Manager for Comcast Cablevision of Harford County, Inc. Mr. Walter said that Comcast is franchised by Harford County to provide cable service and that the Applicant is requesting modification of Board of Appeals Case No. 4021 in order to expand a building to provide fiber optic service. The witness said he did not feel that approval of the modification would have an adverse environmental impact, that the parcel area which the Applicant leases is 7.95 acres, that the addition will be esthetically compatible with adjacent buildings and that the proposed addition will be over 200 feet from the boundary on the subject property.

No protestants appeared in opposition to the Applicant's request, and the Staff Report recommends conditional approval.

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CONCLUSION:

The Applicant has requested a modification of the approval granted in Board of Appeals Case No. 4021. Section 267-52(B) and (C) provide:

- B. A special exception grant or approval shall be limited to the final site plan approved by the Board. Any substantial modification to the approved site plan shall require further Board approval.**
- C. Extension of any use or activity permitted as a special exception shall require further Board approval.**

Section 267-53((l)3) provides:

Stations, Communications and broadcasting. These uses may be granted in the AG District, provided that:

- (a) A minimum parcel area of one acre is established.**
- (b) The building shall be architecturally compatible with adjacent buildings.**
- (c) The building shall be set back at least fifty feet from any adjacent residential lot line.**

The history of the subject parcel indicates that a number of permits have been issued to the Applicant for expansion as the need arose. The evidence from the Applicant's witness was that this parcel exceeds the one acre requirement set forth in the Code, that the proposed building will be architecturally compatible with adjacent buildings and that the nearest residential lot line is at least 200 feet from the proposed addition.

It is the finding of the Hearing Examiner that approval of the modification will not have an adverse impact on the adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested modification be approved, subject to the condition that the Applicant obtain all necessary permits and inspections for the addition.

Date NOVEMBER 2, 1998

**L. A. Hinderhofer
Zoning Hearing Examiner**